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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,723	09/22/2000	Hiroyuki Yoshizawa	1614.1077	9382

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EXAMINER

POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/667,723

Applicant(s)

YOSHIZAWA, HIROYUKI

Examiner

Melvin H Pollack

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see separate office action.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

MHP

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 05 January 2004 have been fully considered but they are not persuasive. The reasons for this are given below.
2. The primary argument concentrates around the issue of whether the claims cover certain limitations. The examiner maintains that the claims are broader, and with fewer limitations, than the applicant will admit.
3. Regarding the claim language of "a symbol including image information...is included within an electronic signature," this does not mean that the symbol could not be input separately from the email address. Indeed, there must have been some period of time in which the two forms were inputted separately, assuming that the email address is not itself a picture of the same type. As currently drawn, the only applicable issue is whether the electronic signature contains both at the time of the e-mail's transmission.
4. Regarding the argument of e-mail addresses vs. image information, the examiner is bewildered by the arguments set forth. To start, it is not the job of the examiner to interpret claim language to avoid redundancies, but with that in mind, the examiner disagrees that said language would be redundant if the e-mail address was an image, or even if it was the same image, as it would merely specify that the image portrayed information of a certain type. Further, if one were to accept the definitions laid out by said arguments, one would assume that 1) the image could only be an image with which the sender would be identified, i.e. a picture but not a band logo, and 2) the recipient would have to have more trouble identifying the sender

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from the e-mail address than from the image. In other words, an e-mail address “does not specify the sender.” Unless said e-mail address displays only the domain of the sender, it also provides a username connected to a mailbox or some other identifying method; when somebody sends the examiner e-mail, the examiner usually has little trouble identifying the sender from the e-mail address. Further, the next argument places into question whether code, a file to show the display of mixed information, can be used. Perhaps the applicant needs to better explain what this signature file is.

5. As for the definition of a signature file, the examiner deems the claim language to be unclear given the confusion that occurs, and requests that the applicant amend the claims and/or the specification to clarify the definition and usage of the signature file. That said, while the examiner has not searched for DSS-type signatures, it is his opinion that such items are more prevalent in the art.

6. In response to applicant's argument that Lu is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Lu shows the processing and usage of image information, and the techniques may be ported to Dawson or other art which uses image information for identity purposes.

7. For these reasons, the examiner maintains his rejection.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H Pollack whose telephone number is (703) 305-4641.

The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

MHP
27 January 2004


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER